

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

No. 2:20cr175-MRH-001

v.

DEVIN MONTGOMERY,

Defendant

**ORAL ARGUMENT
REQUESTED**

**DEFENDANT'S MOTION TO DISMISS COUNT 1 OF
SECOND SUPERSEDING INDICTMENT**

COMES NOW, DEVIN A. MONTGOMERY, the Defendant, by and through his counsel, Mark A. Sindler, Esquire, and represents as follows —

Mr. Montgomery stands accused of having allegedly committed arson in violation of 18 USC § 844(f)(1), as stated in Count 1 of a superseding indictment. He moves to dismiss that count as the pleading therein is legally insufficient for proceeding to trial on that accusation. The appropriate relief is dismissal of Count 1. A brief in support of this relief sets forth in greater detail the basis for this request.

WHEREFORE, pursuant to the foregoing averments, Defendant respectfully requests that this Honorable Court hereby dismiss with prejudice Count 1 of second superseding indictment.

Respectfully submitted,

S / Mark A. Sindler
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